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April 29, 2025

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Taryn A. Merkl, U.S.M.J.
225 Cadman Plaza East
Courtroom 13D South
Brooklyn, NY 11201-1804

Re: Hernandez v. Happy Street LLC, et al.
Case No.: 1:22-cv-6918 (DG) (TAM)

Dear Judge Merkl:

This firm represents the Defendants in this case, who respectfully submit this letter response to the Plaintiff's letter earlier today. While Defendants cannot force Plaintiff to settle, Plaintiff's letter is misguided in that he believes we can proceed to a final pre-trial conference. Defendants' anticipated Rule 12(c) and 56 motion remains pending, which must be decided before Plaintiff can hope to darken this Court's door with a demand to proceed to trial.

While your undersigned is fully prepared to proceed with the virtual settlement conference as Ordered by this Court, I am required to inform this Court that Defendants' principal is disheartened by Plaintiff's conduct and cavalier attitude towards a good faith resolution. My client has asked me to submit a supplemental *ex parte* settlement statement that he, himself, drafted to share his views on the posture of this case and his ability to settle. I have reviewed its contents and represent to the Court that it may be helpful in potentially reaching a resolution. In view of same, your undersigned is aware that it is within the Court's discretion to determine whether: (i) the settlement conference should be cancelled or proceed; (ii) the individual Defendant's presence is required at any such conference; and (iii) this Court should consider the supplemental *ex parte* settlement statement. Defendants thank this honorable Court for its time and attention to this case.

Dated: Jamaica, New York
April 29, 2025

Respectfully submitted,
SAGE LEGAL LLC
By: /s/ Emanuel Kataev, Esq.
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